

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant

Adv. Pro. No. 08-01789 (BRL)

SIPA LIQUIDATION

v.

(Substantively Consolidated)

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

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In re:

BERNARD L. MADOFF,  
Debtor.

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**CLAIMANTS MARTIN M. SURABIAN, RICHARD SURABIAN AND STEVEN  
SURABIAN'S MOTION TO VACATE ORDER AND JUDGMENT OF TRUSTEE'S  
THIRD OMNIBUS MOTION TO EXPUNGE CLAIMS AND OBJECTIONS OF  
CLAIMANTS THAT DID NOT INVEST WITH BLMIS OR IN ENTITIES THAT  
INVESTED IN BLMIS REGARDING THE SURABIANS CLAIMS MENTIONED IN  
TRUSTEE'S EXHIBIT A**

**NOW COMES**, claimants Martin M. Surabian, Richard Surabian and Steven Surabians'  
Motion per Federal Rule Civil Procedure 60 (b) (9) & (11) To Vacate Order and Judgment Doc  
4779 Filed 04/19/12, Entered 04/19/12 /s/Burton R. Lifland United States Bankruptcy Judge.

In Support we DECLARE that:

1. Claimants Martin M. Surabian, Richard Surabian and Steven Surabian (the Surabians) first  
received Trustee's Third Omnibus Motion To Expunge Claims and Objections of Claimants  
That Did Not Invest With BLMIS or in Entities That Invested in BLMIS (the Motion) on  
December 22, 2013.

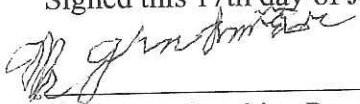
2. The Surabians opened their eight accounts directly with Bernard L. Madoff in 1992.
3. On December 28, 2012 six days after receiving the Motion the Surabians mailed Motion to File Late Opposition and Motion to File Late Appeal and Objection To Trustee's Motion and a Motion to Subpoena Bernard L. Madoff to testify as to the Surabians being customers of BLMIS.
4. On December 31, 2012 the Surabians' mailed Notice of Appeal of the Order.
5. The Surabians in the past as well as for in the future have and will file opposition to documents they are not satisfied with.
6. The Surabians have and will continue to attend hearings that concern the Surabians.
7. The Surabians are inconvenienced to attend hearings in New York City being they are from Cape Cod Massachusetts.
8. The Surabians feel that the Trustee is trying to wear the Surabians down in a hopes of supporting the Trustee unjust decision to Deny the Surabians Claims.
9. The Trustee has never contacted the Surabians before or after his decision, to help in making a decision of denying the Surabians Claims before just denying the Surabians Claims.
10. The Surabians never received the Trustee's Motion to file timely opposition or to attend the hearing on April 18, 2012.
11. The Surabians know that if Bernard L. Madoff is Subpoenaed to attend the hearing of the Trustee's Motion to Expunge the Surabians, Bernard L. Madoff's testimony will support the Surabians Claims and this Court will have to DENY the Trustee's Motion regarding the Surabians.
12. The Trustee based his denying the Surabians eight claims of the fact that BLMIS records did

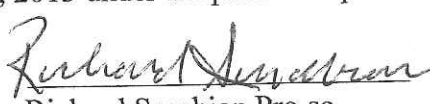
not Support the Surabians claims, in his oppinion.

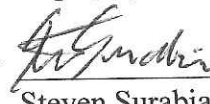
13. The Surabians filed timely opposition to the Trustee's Denying the Surabians Claims, which in the Trustee's denial stated if timely opposed then they would be entitled to a Court hearing.
14. The Surabians never had that hearing.
15. If the Trustee is now claiming that this Motion that the Surabians never received timely was their hearing why was the Motion structured in a way to claim the Surabians never were customers of MBLIS and not a Motion to determine if the Surabians were customers by opening accounts directly with Bernard L. Madoff personally.
16. The Trustee well before the hearing to Expunge the Surabians was addressing the Surabians in the Bankruptcy Court as having no status because they were not customers, all with out the hearing the Surabians were entitled to.

**WHEREFORE**, the Surabians pray this Court Vacate the Order and Judgment Allowing Trustee's Motion To Expunge the Surabians Claims and Objections.

Signed this 17th day of January, 2013 under the pains and penalties of perjury.

  
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#### **CERTIFICATE OF SERVICE**

I certify that this 17th day of January, 2013, a true copy of the Notice of Motion to Vacate Order and Judgment with Motion to Vacate was served by 1st class US mail postage prepaid on (i) David J. Sheehan, Jorian L. Rose, Seanna R. Brown and Bik Cheema, Baker & Hostetler LLP, 45 Rochefeller Plaza, New Your, NY 10111; and (ii) Kevin H. Bell and Nathannael S. Kelley, Securities Investor Protection Corp, 805 15th street, N.W. Suite 800, Washington, D.C. 20005.



Steven Surabian